

R277-527 received final approval by the Utah State Board of Education on September 6, 2018. R277-527 is published in the October 1, 2018 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of November 7, 2018.

## **R277. Education, Administration.**

### **R277-527. International Guest Teachers.**

#### **R277-527-[2]1. Authority and Purpose.**

~~[A.](1)~~ This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board~~[-]~~;

(b) Section ~~[53A-1-401]~~53E-3-401~~([3]4)~~ which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; ~~[permits the Board to adopt rules in accordance with its responsibilities,]~~ and

(c) Section 53A-1-402(1)(a) which directs the Board to establish rules and minimum standards for the qualification and licensing of educators and ancillary personnel who provide direct student services.

~~[B.](2)~~ The purpose of this rule is to establish procedures for qualified international guest teachers who meet the definition of Subection R277-527-[4B]2(1) to be effectively hired and placed by a Utah LEA[s] with assistance and direction from the ~~[USOE]~~Superintendent to encourage cultural exchange and foreign language development among Utah public school students.

#### **R277-527-[4]2. Definitions.**

~~[A. "Board" means the Utah State Board of Education.]~~

~~[B.](1)~~ "International guest teacher" or "~~[f]guest teacher[]~~" means a foreign educator who:

(a) has earned a public teaching credential or license in a foreign country; ~~[and who]~~

(b) is currently legally residing in the ~~[United States and the]~~ state of Utah with the specific purpose to teach in Utah public schools~~[-]~~; and

~~[(a)]~~ For this definition to apply, the international guest teacher shall be

(c) is a resident of a foreign country that has a Memorandum of Understanding with the Board as described in Subsection R277-527-3.

~~[C.](2)~~ "LEA" ~~[means a local education agency, including local school boards/public school districts, charter schools, and]~~includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

~~[D. "USOE " means the Utah State Office of Education.]~~

#### **R277-527-3. ~~[Utah State Board of Education/USOE]~~ Superintendent Responsibilities.**

~~[A.](1)~~ ~~[The Board shall develop and State]~~On behalf of the Board, Superintendent shall sign a Memorandum of Understanding between the Board and the appropriate government agency of the country of origin of guest teachers, as ~~[identified]~~approved by the Board.

~~[B.](2)~~ The ~~[USOE]~~Superintendent shall work with guest teachers and their resident countries and the United States Department of State, if necessary, to secure appropriate visas or travel and work documents for guest teachers to legally teach in the public schools in Utah.

~~[C.](3)~~ The ~~[USOE]~~Superintendent shall verify that guest teachers have appropriate licenses or credentials from the guest teachers' resident countries that satisfy the requirements of Utah law and any applicable federal requirements.

~~[D.](4)~~ The ~~[USOE]~~Superintendent shall work with interested LEAs to make schools

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aware of guest teachers with specific credentials and language skills and to inform guest teachers about openings in specific grade levels and curriculum areas in various geographic locations in Utah.

[E-](5) The [USOE]Superintendent shall require and review a guest teacher's criminal background checks required under Section [53A-3-410]53G-11-403 and a criminal background clearance from the guest teacher's resident country or both prior to authorizing the guest teacher to work in Utah.

[F-](6) The Board may determine that it will seek guest teachers only from foreign countries that provide transportation or per diem expenses or both for [USOE]the Superintendent representatives to screen and interview potential guest teachers.

[G-](7) Following review and approval of a guest teacher's credentials and background, a guest teacher may receive an International Guest Teacher license equivalent to a Level 1 or professional license.

#### **R277-527-4. International Guest Teacher Requirements.**

[A-](1) A Guest teacher[s] shall have a United States issued social security number prior to an LEA processing any payment to the guest teacher.

[B-](2) A Guest teacher[s] shall cooperate with the [USOE]Superintendent in required submission of information including criminal background check information, copies of credentials, copies of transcripts in the language and format designated by the [USOE]Superintendent.

[C-](3) A Guest teacher[s] shall assume all responsibility for living and transportation expenses while participating in the International Guest Teachers Program.

[D-](4) A Guest teacher[s] shall be responsible for compliance with all state of Utah, [f]Board, and employing LEA professional and ethical public school educator requirements.

[E-](5) A [G]guest teacher[s] who violates [district]an LEA employment or state [or district]of Utah, Board, or local professional practice[s] may have [their]the teacher's guest employment contract terminated consistent with at will employment provisions.

(6) [t]The conduct of an individual guest teacher[s] may influence continued participation in [the]an International Guest Teacher Program between the Board and a guest teacher's resident country.

#### **R277-527-5. Other Provisions.**

[A-](1) The opportunity for a teacher[s] from outside the United States to be licensed to teach in Utah schools with assistance provided by the [USOE]Superintendent under this rule shall be available only to individuals from countries with which the Board has signed a Memorandum of Understanding.

[B-](2) A business or third party may not facilitate a Memorandum of Understanding between a foreign country and the Board, but may facilitate the hiring process at the request of [the]an LEA.

[C-](3)(a) An [t]internationally credentialed educator[s] may seek appropriate licensing to teach in Utah schools.

(b) An [Those] educator[s] from a country[ies] that does not have Memoranda of

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Understanding with the Board shall be licensed under R277-502.

~~[D.](4)~~ It is the responsibility of ~~[the]~~a prospective guest teacher or the guest teacher's home country to ensure that the guest teacher has the appropriate visa or authorization or both to live and teach in the United States for the agreed upon time period and teaching assignment.

**KEY: international guest teachers**

**Date of Enactment or Last Substantive Amendment: February 7, 2014**

**Notice of Continuation: December 16, 2013**

**Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; ~~[53A-1-401]~~53E-3-401(3); ~~[53A-1-402]~~53E-3-501(1)(a)**